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*Attorneys for Defendant*  
**GOOGLE INC.**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MASTEROBJECTS, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 11-1054 PJH

**STIPULATION AND [PROPOSED]  
ORDER FOR WITHDRAWAL OF  
DEFENDANT'S MOTION TO DISMISS**

1 Plaintiff MasterObjects, Inc. ("Plaintiff") and defendant Google Inc. ("Defendant"),  
2 hereby stipulate through their respective counsel of record as follows:

3 WHEREAS, on or about March 7, 2011, Plaintiff served its Original Complaint upon  
4 Defendant;

5 WHEREAS, Defendant filed a Motion to Dismiss the Original Complaint, or in the  
6 Alternative, For a More Definite Statement (D.N. 11) under F.R.C.P. 12 on April 27, 2011;

7 WHEREAS, Plaintiff filed a First Amended Complaint (D.N. 22-1) and Stipulation  
8 and [Proposed] Order for Leave to File a First Amended Complaint (D.N. 22) on June 8,  
9 2011;

10 WHEREAS, Google stipulates to withdrawing, without prejudice to refile its Motion  
11 to Dismiss the Original Complaint, or in the Alternative, For a More Definite Statement  
12 (D.N. 11) filed on April 27, 2011;

13 WHEREAS, if the Court denies Plaintiff's request for leave to file its First Amended  
14 Complaint, Google reserves all rights to re-file its current Motion to Dismiss the Original  
15 Complaint, or in the Alternative, For a More Definite Statement;

16 WHEREAS, if the Court grants Plaintiff's request for leave to file its First Amended  
17 Complaint, Google reserves all rights to respond as it deems appropriate to the Plaintiff's  
18 First Amended Complaint, including with respect to any objections, defenses, and/or  
19 perceived deficiencies under F.R.C.P. 12 or any other federal or local rule;

20 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that  
21 Plaintiff does not oppose Defendant's withdrawal of its Motion to Dismiss the Original  
22 Complaint, or in the Alternative, For a More Definite Statement (D.N. 11) under F.R.C.P. 12  
23 filed on April 27, 2011.

1 Dated: June 9, 2011

McDERMOTT WILL & EMERY LLP

3 By: /s/ Vera M. Elson  
4 Vera M. Elson  
5 *Attorneys for Defendant*  
6 *Google Inc.*

7 HOSIE RICE LLP

8 By: /s/ William P. Nelson  
9 William P. Nelson  
10 *Attorneys for Plaintiff*  
11 *MasterObjects, Inc.*

12 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic  
13 filing of this document has been obtained from the other signatories.

14 Dated: June 9, 2011

15  
16 /s/ Vera M. Elson  
17 Vera M. Elson

1 **PURSUANT TO STIPULATION IT IS ORDERED THAT**

2 Stipulation to withdraw Defendant's Motion to Dismiss the Original Complaint, or in  
3 the Alternative, For a More Definite Statement (D.N. 11), filed on April 27, 2011 is  
4 GRANTED WITHOUT PREJUDICE.

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6  
7 Dated: June 10, 2011

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9 DM\_US 28932298-1.088978.0011

